

# COUNTY OF YORK

## MEMORANDUM

**DATE:** May 5, 2004 (BOS Mtg. 6/1/04)

**TO:** York County Board of Supervisors

**FROM:** James E. Barnett, County Attorney

**SUBJECT:** Temporary construction easement—Charles Brown Park

Attached is a proposed resolution which would authorize the County Administrator to execute a deed conveying a 20' temporary construction easement to Mid-Atlantic Communities, L.L.C. on property owned by the County in Charles Brown Park. A plat showing the proposed easement is attached. As explained in the attached memorandum from J. B. August, Jr., Right-of-Way Agent, Mid-Atlantic is currently developing adjacent property into a 33-lot subdivision and the temporary easement is necessary for the implementation of the subdivision's drainage plan. As compensation for the easement, Mid-Atlantic will construct and connect mulched pedestrian trails, with bridges, to the already existing Park's trail system.

The resolution, as drafted, will require the developer to enter into a binding agreement with the County to provide the promised amenities. Such an agreement could be drafted into the easement deed, or might take the form of an approved development plan for the project, shown on current plans as Maple Terrace. I am advised by staff at Environmental and Development Services that plans for that project have not yet been finalized, but that prior to approval, the plans will be required to show the trails and bridges in detail.

This matter has been advertised for a public hearing as is generally required for the conveyance of easements or other interests in property.

I recommend the adoption of the attached resolution.

Barnett/3340:swb

Attachments

- Plat showing proposed 20' temporary construction easement
- Memorandum from J. B. August, Jr., Right-of-Way Agent
- Resolution R04-91